

AMENDED IN ASSEMBLY MARCH 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 267

Introduced by Assembly Member Daucher

February 8, 2005

An act to amend Section 14529.17 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 267, as amended, Daucher. Transportation projects.

Existing law authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Existing law requires these expenditures to be reimbursed by the state, under specified conditions. Existing law limits these provisions to projects advanced for expenditures by an eligible local or regional entity within the 12 months preceding the date the project would otherwise be allocated funding by the commission.

This bill would instead limit these provisions to projects advanced for expenditure by an eligible local or regional entity ~~within the 36 months preceding the date the project would otherwise be allocated funding by the commission, and would make this provision retroactive to include expenditures after July 1, 2004 that are programmed in the current fiscal year of the state transportation improvement program. The bill would require the allocation by the commission and execution of an agreement to transfer funds by the department for an advanced project to occur within 36 months of the expenditure for the project.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14529.17 of the Government Code is
2 amended to read:
3 14529.17. (a) A regional or local entity that is the sponsor of,
4 or is eligible to receive funding for, a project contained in the
5 state transportation improvement program may expend its own
6 funds for any component of a transportation project within its
7 jurisdiction that is included in an adopted state transportation
8 improvement program and for which the commission has not
9 made an allocation.
10 (b) The amount expended under subdivision (a) shall be
11 reimbursed by the state, subject to annual appropriation by the
12 Legislature, if all of the following conditions are met:
13 (1) The commission makes an allocation for, and the
14 department executes an agreement to transfer funds for, the
15 project.
16 (2) Expenditures made by the regional or local entity are
17 eligible for reimbursement in accordance with state and federal
18 laws and procedures. In the event expenditures made by the
19 regional or local entity are determined to be ineligible, the state
20 has no obligation to reimburse those expenditures.
21 (3) The regional or local entity complies with all legal
22 requirements for the project, including, but not limited to,
23 authorization by the federal government, if required, Section
24 14520.3, and the requirements of the California Environmental
25 Quality Act (Division 13 (commencing with Section 21000) of
26 the Public Resources Code).
27 (c) Upon the execution of an agreement with the department to
28 transfer reimbursement funds for a project described in
29 subdivision (a), the commission may delay reimbursement
30 pursuant to this section only if programming or cash management
31 issues prevent immediate repayment.
32 (d) This section shall be limited to projects advanced for
33 expenditure by an eligible local or regional entity ~~within the 36~~
34 ~~months preceding the date the project would otherwise be~~
35 ~~allocated funding by the commission, and the amendment to this~~

1 ~~subdivision in the 2005-06 Regular Session shall be retroactive to~~
2 ~~include expenditures after July 1, 2004.~~ *programmed in the*
3 *current fiscal year of the state transportation improvement*
4 *program.*

5 (e) *The allocation by the commission and execution of an*
6 *agreement to transfer funds by the department for a project shall*
7 *occur within 36 months of the expenditure for the project*
8 *advanced pursuant to this section.*

9 (f) Unless otherwise agreed in advance by the commission and
10 the department, the funds appropriated for the purposes of
11 reimbursement under this section shall be federal funds and state
12 matching funds.